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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
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9 Sean Bennett,

No. CV-23-2425-PHX-ROS (DMF)

10 Plaintiff,

11 v.

ORDER TO SHOW CAUSE

12 City of Phoenix, et al.,

13 Defendants.
14

15 This matter is before the Court on its own review.

16 On November 20, 2023, this matter was removed from the Maricopa County
17 Superior Court (Doc. 1). On November 21, 2023, Defendants City of Phoenix, Joel
18 Cottrell, Todd Blanc, Rudolfo Peru, and Ryan Hogan filed Notice of Suggestion of Death,
19 stating that “based upon information from local news sources, Defendant Benjamin
20 Denham passed away on or about February 8, 2023” (Doc. 7).

21 Fed. R. Civ. P. 25(a)(1) provides:

22 If a party dies and the claim is not extinguished, the court may order
23 substitution of the proper party. A motion for substitution may be made by
24 any party or by the decedent's successor or representative. If the motion is
25 not made within 90 days after service of a statement noting the death, the
action by or against the decedent must be dismissed.

26 Ninety (90) days have passed since the filing of the notice of suggestion of death (Doc. 7),
27 and no motion for substitution has been filed.¹

28 ¹ Plaintiff filed a notice of dismissal of Defendant Benjamin Denham as to several claims,

1 || Accordingly,

2 **IT IS HEREBY ORDERED** that within fourteen (14) days of the date of this
3 Order, Plaintiff shall show cause in writing filed with the Court why Defendant Benjamin
4 Denham (and Unknown Denham, spouse of Defendant Benjamin Denham) should not be
5 dismissed from this matter pursuant to Fed. R. Civ. P. 25(a)(1).

6 Dated this 28th day of February, 2024.

Honorable Deborah M. Fine
United States Magistrate Judge

Honorable Deborah M. Fine
United States Magistrate Judge

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28 but not all claims in which Defendant Benjamin Denham is named in the Complaint (Doc. 14).